

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DEFERRED SENTENCE FOR FIRST AND
5 SECOND VIOLATIONS OF CRIMINAL POSSESSION, DISTRIBUTION, AND PRODUCTION OF
6 DANGEROUS DRUGS IF CULTIVATING OR PRODUCING HEMP; AMENDING SECTIONS 45-9-102, 45-9-
7 103, AND 45-9-110, MCA; AND REPEALING SECTION 80-18-111, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 NEW SECTION. **Section 1. Deferred imposition of sentence.** A person convicted of a first or
12 second violation of 45-9-102, 45-9-103, or 45-9-110 for planting, growing, harvesting, possessing, processing,
13 or selling hemp pursuant to this part is entitled to a deferred imposition of sentence.

14
15 **Section 2.** Section 45-9-102, MCA, is amended to read:

16 **"45-9-102. Criminal possession of dangerous drugs.** (1) Except as provided in Title 16, chapter
17 12, 50-32-609, or Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs
18 if the person possesses any dangerous drug, as defined in 50-32-101, [in an amount] greater than permitted or
19 for which a penalty is not specified under Title 16, chapter 12.

20 (2) A Except as provided in [section 1], a person convicted of criminal possession of dangerous drugs
21 shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed
22 \$5,000, or both.

23 (3) A person convicted of a first violation under this section is presumed to be entitled to a deferred
24 imposition of sentence of imprisonment.

25 (4) Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision
26 acting in the course of a professional practice are exempt from this section."

27
28 **Section 3.** Section 45-9-103, MCA, is amended to read:

1 **"45-9-103. Criminal possession with intent to distribute.** (1) Except as provided in Title 16,
2 chapter 12, or Title 50, chapter 46, a person commits the offense of criminal possession with intent to distribute
3 if the person possesses with intent to distribute any dangerous drug as defined in 50-32-101 [in an amount]
4 greater than permitted or for which a penalty is not specified under Title 16, chapter 12.

5 (2) A Except as provided in [section 1], a person convicted of criminal possession with intent to
6 distribute shall be imprisoned in the state prison for a term of not more than 20 years or be fined an amount not
7 to exceed \$50,000, or both.

8 (3) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a
9 professional practice are exempt from this section."

10

11 **Section 4.** Section 45-9-110, MCA, is amended to read:

12 **"45-9-110. Criminal production or manufacture of dangerous drugs.** (1) Except as provided in
13 Title 16, chapter 12, or Title 50, chapter 46, a person commits the offense of criminal production or manufacture
14 of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates,
15 compounds, or processes a dangerous drug, as defined in 50-32-101.

16 (2) A person convicted of criminal production or manufacture of dangerous drugs, as defined in 50-
17 32-101, shall be imprisoned in the state prison for a term of not more than 25 years and may be fined an
18 amount not to exceed \$50,000.

19 (3) A Except as provided in [section 1], a person convicted of production of marijuana or
20 tetrahydrocannabinol in an amount greater than permitted or for which a penalty is not specified under Title 16,
21 chapter 12, or Title 50, chapter 46, or manufacture without the appropriate license and endorsement pursuant
22 to Title 16, chapter 12, or Title 50, chapter 46, shall be imprisoned in the state prison for a term of not more
23 than 5 years and may be fined an amount not to exceed \$5,000, except that if the total weight is more than a
24 pound or the number of plants is more than 30, the person shall be imprisoned in the state prison for a term of
25 not more than 25 years and may be fined an amount not to exceed \$50,000. "Weight" means the weight of the
26 dry plant and includes the leaves and stem structure but does not include the root structure.

27 (4) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a
28 professional practice are exempt from this section."

